

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL LEROY STEWART, JR.,

Petitioner,

No. CIV S-03-2670 FCD DAD P

vs.

D.L. RUNNELS, Warden, et al.,

Respondents.

ORDER

Petitioner has requested appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). Counsel may be appointed at any stage of such proceedings "if the interests of justice so require." 18 U.S.C. § 3006A; see also Rule 8(c), Fed. R. Governing § 2254 Cases. The court does not find that the interests of justice require appointment of counsel in this case at the present time. Accordingly, IT IS HEREBY ORDERED that petitioner's October 14, 2005 motion for appointment of counsel is denied.

DATED: October 24, 2005.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE